

***Please note: All articles are available in the attached PDF.**

***To receive the Daily News Digest in your inbox, email R6Press@epa.gov.**

1 — EPA to host public meeting on waste pits, Baytown (TX) Sun, 10/20/2016

http://baytownsun.com/news/article_6b486864-96bf-11e6-b0b1-537e6097a4b2.html

Tonight, the Environmental Protection Agency will host a public meeting to discuss and receive comments about the EPA's proposed plan for the San Jacinto River Waste Pits.

2 — Oklahoma earthquake expert says what we don't know about geology is what worries him, Dallas Morning News, 10/19/16/2016

<http://www.dallasnews.com/business/energy/2016/10/19/oklahoma-earthquake-expert-says-know-geology-worries>

The problem with Oklahoma earthquakes is what scientists don't know, the director of the Oklahoma Geological Survey told a roomful of geoscientists today in Dallas.

3 — Part of WIPP closing over employee safety concerns, Baytown Sun, 10/14/2016

<https://www.abqjournal.com/868005/part-of-wipp-closing-over-employee-safety-concerns.html>

The Department of Energy plans to close off the south end of a southeastern New Mexico nuclear waste repository after a series of dangerous roof collapses made the area unsafe.

4 — Tough fracking rules could 'drive the price around like crazy' — EIA, E&E News, 10/19/2016

<http://www.eenews.net/energywire/2016/10/19/stories/1060044479>

Forecasting oil and gas pricing is always a risky business, but predicting prices beyond 2040 is especially difficult thanks to global shifts in energy use.

5 — EPA, activists near agreement on natural gas emissions review, Southeast Texas Record, 10/19/2016

<http://setexasrecord.com/stories/511019255-epa-activists-near-agreement-on-natural-gas-emissions-review>

The U.S. Environmental Protection Agency (EPA) has offered to reach an agreement with a group of non-profits that sued the agency over emission factors.

6 — City addressing raw sewage at trailer park, San Antonio Express-News, 10/19/2016

<http://www.expressnews.com/news/local/article/City-addressing-raw-sewage-at-trailer-park-9984677.php>

A dozen families have been ordered by the city to temporarily vacate a Northwest Side mobile home park because of major health concerns caused by overflowing septic tanks.

7 — Retailers Navigate Shifting Environmental Regulatory Landscape, Chain Store Age, 10/19/2016

<http://www.chainstoreage.com/article/retailers-navigate-shifting-environmental-regulatory-landscape#>

The past decade has witnessed a monumental shift in regulatory oversight of retailers' environmental compliance programs. As a result, retailers have faced a crash course in the myriad hazardous waste control laws, once widely believed to not be relevant in the retail context.

8 — Republican lawmakers pan coastal lawsuits targeting oil and gas companies, Baton Rouge Advocate, 10/19/2016

http://www.theadvocate.com/baton_rouge/news/politics/article_3aa05fe6-964c-11e6-aa27-3b01d0f36439.html?sr_source=lift_amplify

Gov. John Bel Edwards' decision to pursue lawsuits against oil and gas companies to restore the eroding coast ran into a buzz saw of opposition from Republican lawmakers Tuesday during a special legislative hearing.

9 — Meeting will clue anglers in on effects of planned diversions, New Orleans Times-Picayune, 10/20/2016

http://www.nola.com/outdoors/index.ssf/2016/10/meeting_will_clue_anglers_in_o.html#incart_most_shared-environment

Sometime in the next decade, new sediment diversions will open on either side of the Mississippi River in Plaquemines Parish, and most anglers have lots of questions about how the diversions will work and what their impacts might be on local fisheries.

10 — Tribe offers pipeline protesters a place to overwinter, AP, 10/19/2016

<https://www.abqjournal.com/870441/anti-pipeline-encampment-to-move-from-federal-to-tribal-land.html>

The Standing Rock Sioux's tribal council has voted to make tribal land available for those protesting the Dakota Access oil pipeline, though an organizer from another tribe says many of the several hundred gathered will remain on federal land without a permit.

11 — RFS loophole poses threat to refiners (opinion), The Hill, 10/19/2016

<http://thehill.com/blogs/congress-blog/energy-environment/301534-rfs-loophole-poses-threat-to-refiners>

What happens when the best of intentions leads to flawed governmental regulations? In most cases, the answer is loss of jobs, higher costs for consumers and the failure of the regulation to meet its objectives. These unintended consequences should be expected if the U.S. Environmental Protection Agency (EPA) does not amend its Renewable Fuel Standard (RFS) mandate.

12 — Once-blighted Guthrie Green named to national list of Great Public Spaces, Tulsa World, 10/20/2016

http://www.tulsaworld.com/news/local/once-blighted-guthrie-green-named-to-national-list-of-great/article_c4087968-f654-5fcb-afc2-4924cd05d22f.html

Food trucks and the usual buzz of customers they attract surrounded Guthrie Green on Wednesday afternoon as the site was designated for this year's Great Public Spaces list by the American Planning Association.

EPA to host public meeting on waste pits

By Christopher James christopher.james@baytownsun.com | Posted: Thursday, October 20, 2016 12:00 am

Tonight, the Environmental Protection Agency will host a public meeting to discuss and receive comments about the EPA's proposed plan for the San Jacinto River Waste Pits.

Congressman Gene Green, Harris County Attorney Vince Ryan (who plans to speak at the EPA meeting) and representatives with Congressman Brian Babin's office will be in attendance to hear what the community and EPA has to say.

The meeting will start at 6:30 p.m. at the Highlands Community Center, 604 Highland Woods Drive.

"My priorities are that this public health threat is dealt with properly and that the community is engaged throughout this process," said Green.

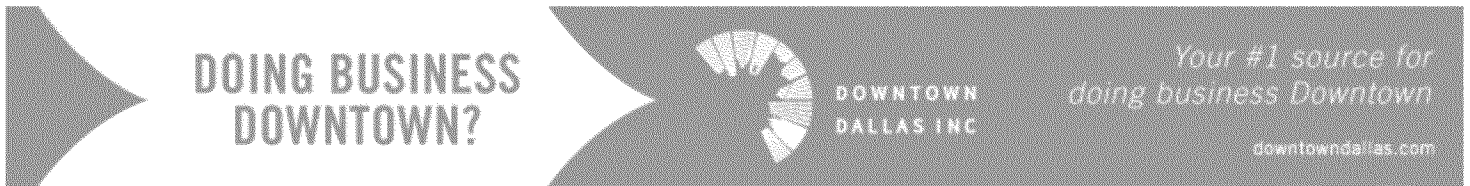
"It is critically important that all stakeholders come together to understand and address this critical health hazard. This meeting continues a dialogue between the EPA and the community, so that we can all better understand the cleanup plan and the safeguards the agency plans to put in place to ensure the waste is being dealt with in the safest method possible."

On Sept. 28, the EPA released its proposed plan to cleanup the site, which consists of removing 202,000 cubic yards of contaminated material from the northern and southern sites.

In addition to the proposed plan, the EPA opened up a 60-day comment period that closes Nov. 28.

The 14-acre San Jacinto River Waste Pits site consists of several hazardous impoundments that were built in the mid-1960s for the disposal of paper mill wastes as well as other contaminated soils that had been disposed along the river.

For more information visit <https://www.epa.gov/tx/sjrwtp>.



DALLASNEWS
Powered by The Dallas Morning News



≡ BÜŞİÑĖŞŞ

ȚØPİÇŞ ▾

ĖÑĖRGŸ 15 ĤRŞ ÄQØ

Økláhómá ěáŕtħquákĕ ěxpĕŕť şáyş wħát wĕ đøñ't kñów ábøut ġĕølógŸ iş wħát wøŕŕjĕş ħim



Jeffrey Weiss, Energy Writer

Don't miss a story. Like us on Facebook.

Like 309K

LOADING...

The problem with Oklahoma earthquakes is what scientists don't know, the director of the Oklahoma Geological Survey told a roomful of geoscientists today in Dallas.

Jeremy Boak was one of the key presenters at a special session of the annual conference of the Society of Exploration Geophysicists meeting at the Kay Bailey Hutchison Convention Center. Others in the program offered new ways to predict significant human-induced quakes that make people nervous and new ways to analyze tiny micro-tremors that could help the oil and gas industry figure out where to drill next.

Boak's talk depended a lot less on advanced math than most of the others in that session.

"This will be a little more newsy and a bit less theoretical," he said.

Mostly, Boak offered a quick tour about what's known regarding induced quakes in Oklahoma.

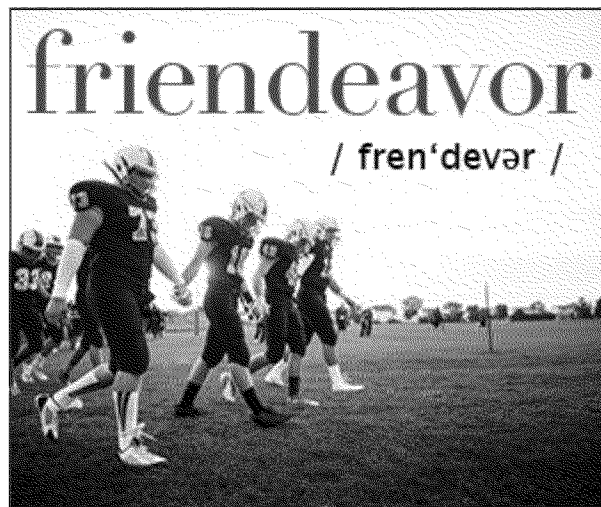
They're closely related to deep injection wells that dispose of salty, toxic water that comes out of gas and oil wells. The quakes affect about 18 percent of the state. The rate of quakes has dropped significantly from the peak last June.

Only 5 percent of the injected water is backflow from fracks; Oklahoma has lots of oil and gas fields that produce much more wastewater than petro-products. (Although many of the newer wells that produce a high volume of water would never have been drilled except for fracking's success.)

Most of Oklahoma's quakes are small and centered in identified zones near the injection wells and particularly vulnerable faults far below the surface of the earth. But the biggest quakes that have hit the state, including the Oklahoma-record temblor last month, have been at the far edges of the zone of highest concern, Boak said. And that gives him pause. Somehow, the pressure created by the injection wells is pushing faults that are relatively far away.

"Where is the fault we've not seen that's not yet been hit by this pressure pulse?" he said.

The September quake, measured at 5.8, triggered a rapid state and federal response, shutting down specific injection wells temporarily. But as researchers studied the data, they realized they'd been focused in the wrong place, Boak said. It looks like the September quake was caused by a fault in a place they'd not known about.



"It's an interesting testament to the fact that you can get into trouble by responding too quickly, as well as by responding too slowly," he said.

Carson Dinske from Freie Universitat Berlin was one of the other presenters. He offered a new way that mashes together elements from other models to predict quakes caused by injection. He said it works well taking old data and predicting quakes that happened in various parts of the world. But only recently has it been applied to a couple of areas in Germany to predict future events in real time. So far, he said, it's doing well.

Azra Tutuncu, a professor at the Colorado School of Mines who organized and chaired the session, was skeptical about how good the predictions would be. That's because she's seen the limited success of predictive models new and old.

"Everyone has lots of assumptions," she said.

This week's conference is the 86th annual meeting of the society. More than 5,500 attendees plus vendors from about 250 companies are spending four days discussing hundreds of highly technical aspects of the search for oil, gas and precious minerals and metals.

This is the third year Tutuncu has organized an "injection induced seismicity" session at the annual conference.

"It's somewhat of a new topic for most geophysicists," she said.

And while the science is still reaching for precision in its ability to predict how human activity will create earthquakes, it's moving in the right direction, she said.

"I think we are doing better," she said.

Remember Me ☒

Part of WIPP closing over employee safety concerns

By Lauren Villagran / Journal Staff Writer

Friday, October 14th, 2016 at 11:44pm



Roof collapses like this one inside the Waste Isolation Pilot Plant near Carlsbad are complicating recovery plans for the nuclear waste repository, which was the site of a radiation accident in 2014. (Courtesy of WIPP)

Copyright © 2016 Albuquerque Journal

The Department of Energy plans to close off the south end of a southeastern New Mexico nuclear waste repository after a series of dangerous roof collapses made the area unsafe.

No one was hurt in the roof collapses, which occurred over the past year in areas already restricted to workers. But the incidents have laid bare the challenges of recovering the Waste Isolation Pilot Plant after a February 2014 radiation accident that contaminated the repository and curbed workers' ability to perform maintenance.

"Rock fall is the single highest hazard to workers and to the mission at WIPP," said Phil Breidenbach, project manager at WIPP contractor Nuclear Waste Partnership, during a special town hall meeting this week called to address the ground control issues.

"We're now in the process of making the decision to close the south end of the underground," said Todd Shrader, DOE field office manager in Carlsbad, saying he hopes to get it done in four or five weeks.

The WIPP repository is carved from salt beds 2,150 feet below the surface, and the salt – which expands at the rate of about an inch or two per year – must be kept at bay with roof bolts, mesh lining and other buttresses. The

salt “creep” is why WIPP was chosen as a repository in the first place: The idea is that when WIPP is full and closed for good, the salt will eventually collapse onto itself, sealing the nuclear waste.

But in the meantime, it’s a race against time to keep “creep” under control. The radiation accident kept workers from performing underground maintenance for nine months, and catching up on things like roof bolting has been difficult since the pace of work has slowed due to the contamination, reduced ventilation and additional safety requirements for workers, said John VandeKraats, NWP senior technical advisor.

“What used to be an easy, typical thing to go do – to maintain that ground, to go bolt – is much more difficult because of the fact that you have to wear your protective equipment, your protective clothing,” he said. “You wear a respirator. Our (maintenance) production has been cut, certainly in half, and I’d say even to about 25 percent.”

Sealing off the halls, or drifts, that lead to four of the repository’s eight panels will reduce WIPP’s storage capacity, said Don Hancock, a longtime WIPP observer with the Southeast Research and Information Center in Albuquerque. The drifts were contemplated as the final two “panels,” where waste would be placed as workers backed their way out of the facility. He said DOE has not publicly said how much waste would be placed in the area, so how much storage space will be lost is debatable.

The drifts to be closed are “in theory, in terms of the total underground capacity, on the order of more than 10 percent” of the total area for waste emplacement, Hancock said. A WIPP spokesman said the area that will be sealed amounts to between 2.5 percent and 5 percent of total capacity.

Five rockfalls have been detected since January 2015, in one case crushing the bulkhead that sealed one panel. Then, earlier this month, workers detected a significant fracture in Room 5 of Panel 7, a contaminated area where WIPP was planning to place waste when it reopens.

WIPP said in a statement this week that the roof issues in Room 5 won’t impact its restart date; WIPP is aiming to reopen in December.

But Shrader softened expectations about the deadline at the town hall, saying, “We’ll see if we get there. And if it takes a little bit longer, it takes a little bit longer.”

Tough fracking rules could 'drive the price around like crazy' — EIA

Jenny Mandel, E&E reporter

Published: Wednesday, October 19, 2016

Forecasting oil and gas pricing is always a risky business, but predicting prices beyond 2040 is especially difficult thanks to global shifts in energy use.

So says Adam Sieminski, chief of the U.S. Energy Information Administration, the Energy Department's statistical arm that's known for spinning its web of energy data into short- and long-term predictions of how markets will move.

EIA's current big-picture domestic forecast previews energy supply and demand to 2040 and paints a picture of U.S. oil and gas production slowly growing, largely from shale resources, as renewables also supply a growing share of the domestic power mix.

One of the biggest uncertainties in the forecast is the fate of the Obama administration's Clean Power Plan, which if upheld in legal challenges would add to an ongoing shift from coal to natural gas for power generation, and would support a faster growth path for renewable electricity sources like wind and solar.

As the agency looks toward extending its predictions to 2050, Sieminski said the task gets more difficult.

Advertisement

"We have to figure out what we want to put in the post-2040 period for assumptions," Sieminski said in a lunchtime talk hosted by the American Gas Association. "Almost all of the growth in energy consumption is coming from outside the [Organisation for Economic Co-operation and Development] — the group of developed countries," he explained, making it harder to peer into the future by looking at the past.

A big question mark after 2040 is the retirement of nuclear power plants, Sieminski said.

As the U.S. nuclear fleet ages, many plants are coming up against the end of their intended life span. To date, life extension efforts have generally dealt with that issue through 2040 through relicensing and other efforts at the state and federal levels. But to look further into the future will require making good guesses — and likely developing alternate scenarios — about whether those plants will continue to operate, he said.

The availability of already-depreciated nuclear plants will shape the need for other power sources.

Another variable that will influence demand for U.S. natural gas is global trade, Sieminski said, as overseas needs will shape industrial manufacturing in the United States.

The agency's base case envisions limited domestic residential, commercial and transportation growth in natural gas demand, Sieminski said, with electrical power and industrial demand as the two major sources of growth for the industry.

For industrial use, "A lot of that growth depends on trade, and trade depends on having the right trade tools in place," Sieminski said.

Keep it in the ground?

In the nearer future, EIA relies on scenarios to capture other uncertainties, such as the growing domestic and global opposition to fossil fuel use.

Sieminski recounted a story of speaking with Chinese officials following the arrival at the Guangdong liquefied natural gas terminal of the first U.S. LNG cargo to be sent to China. Officials welcomed the shipment warmly, he said, with remarks on the historic nature of the event.

Contrast that to the arrival of the first LNG cargo to make harbor in the United Kingdom, he said, where the tanker was met by protesters from the "keep it in the ground" movement.

Domestically, Sieminski said if opposition to hydraulic fracturing were translated into a dramatic reduction in use of the technique, the price impacts would be sharp.

About half the oil and 60 percent of the natural gas produced in the United States today is surfaced using hydraulic fracturing, he said, so "if you were to put really serious constraints on that, you're going to have a reaction in the marketplace."

Grabbing two dinner knives from a place setting, Sieminski illustrated the classic textbook supply-demand curves crossing in a wide "X."

"When you have elasticities that look like that" — he scissored the blades sharply together into a tight "X" — "all it takes is a small increase in demand to drive the price around like crazy."

EPA, activists near agreement on natural gas

Emissions review (/stories/511019255-epa-activists-near-agreement-on-natural-gas-emissions-review)

Kate Jacobson (/author/kate-jacobson) Oct. 19, 2016, 1:20pm

HOUSTON -- The U.S. Environmental Protection Agency (EPA) has offered to reach an agreement with a group of non-profits that sued the agency over emission factors.

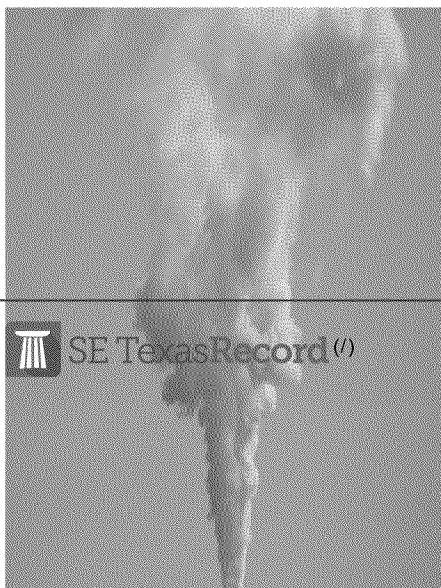
The EPA has agreed to review emission factors for measuring volatile organic compounds emitted from natural gas production facilities sometime before June 2017. The agreement came after four environmental non-profits sued the agency alleging a dereliction of duty on the agency's part.

The agreement outlines the agency's plan to action, but does not admit negligence.

Air Alliance Houston, Community In-Power and Development Association (CIDA), the Louisiana Bucket Brigade and Texas Environmental Justice Advocacy Services (TEJAS) filed the initial complaint against EPA Administrator Gina McCarthy, saying she and previous administrators have not reviewed emission standards for natural gas production facilities in 30 years.

The Clean Air Act requires emission factors to be reviewed every three years.

The suit, filed Oct. 8, asks that the court force the EPA to review its emissions factors used to estimate volatile organic compound emissions for areas near natural gas facilities and to update its emissions data available to the public. The non-profits argue that because there has been no review of emission factors – and because there is no current data to show “true” air quality – people are being harmed.



☐ Smoke from industrial smoke stack | Public Domain Pictures

“The under-reporting of emissions may expose members to pollutants at levels that are higher than the law allows and in concentrations deleterious to human health,” the suit reads.

In response, the EPA filed a consent decree resolving the issue Oct. 16. The agency agreed to review natural gas volatile organic compound emissions by June, and issue a final revision as part of the Clean Air Act by February 2018.

The EPA estimates 5.6 pounds of volatile organic compounds emitted from natural gas production facility barrels for every million cubic feet of gas produced. That figure was surmised in 1985, and reprinted in 1990 as part of the EPA's National Acid Precipitation Assessment Program Emissions Inventory.

Emissions from natural gas production facilities are known to have negative impacts on health. The federal government noted in 2011 that volatile organic compounds are known to cause asthma, respiratory morbidity and premature death.

The non-profits say this is especially troubling for low-income families who are known to live in neighborhoods near natural gas production facilities.

“Low income and minority communities suffer disproportionate health and environmental impacts due to their proximity to these industrial sources, raising environmental justice concerns,” the suit says.

The agreement will be open for public comment for 30 days and then will be reviewed by the agency.

WANT TO GET NOTIFIED WHENEVER WE WRITE ABOUT U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) ?

Next time we write about U.S. Environmental Protection Agency (EPA), we'll email you a link to the story. You may edit your settings or unsubscribe at any time.

Sign-up for Alerts

Organizations in this Story

U.S. Environmental Protection Agency (EPA) (/organizations/644944767-u-s-environmental-protection-agency-epa/stories)
1200 Pennsylvania Ave NW
Washington, DC 20460

More News

City addressing raw sewage at trailer park

After city assists some, all tenants ordered to leave

By Josh Baugh October 19, 2016 Updated: October 19, 2016 9:43pm

0

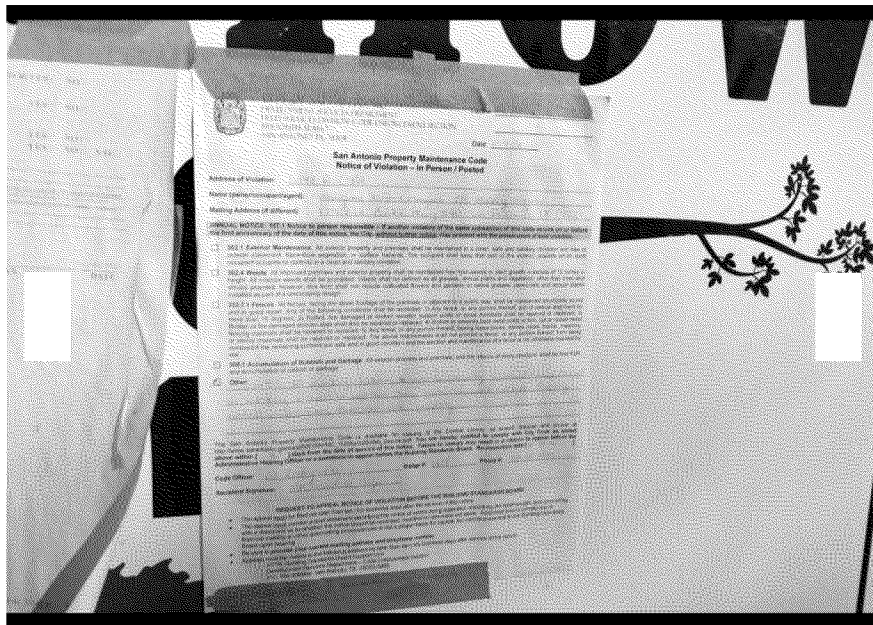


Photo: Ron Cortes/For The San Antonio Express-News

IMAGE 1 OF 7

Notice posted at entrance of Oak Hollow Mobile Home Park at 6348 Prue Road, where 12 trailers have been evacuated. The city isn't evacuating the other trailers in the facility, which apparently has 64 total ... more

A dozen families have been ordered by the city to temporarily vacate a Northwest Side mobile home park because of major health concerns caused by overflowing septic tanks.

Residents at the Oak Hollow Mobile Home Park, on Prue Road, say conditions have been deplorable at the property for years and that neither the owner nor the management company will address the issues.

The biggest dangers to health and safety, officials said, were the failing septic tanks. Waste has bubbled up from the tanks and is standing in pools around a dozen manufactured homes, said Rod Sanchez, director of the city's Development Services Department.

There are also above-ground water pipes, water connections to some trailers going through only garden hoses and showers and washers discharging into yards.

On the heels of the city's ordering the 12 families to vacate, residents in the park say all of them received written orders to leave from "Management" at the park. The letters said the city had condemned the property.

On Wednesday, the city sent owner Joe Mangione a cease-and-desist letter, demanding that he stop saying that the city condemned the property.

The issues at the property were brought to light when mechanic Jesus Arredondo, a 14-year resident who had to vacate his manufactured home, notified the League of United Latin American Citizens, Councilman Ron Nirenberg and local television stations.

He said he and others have endured threats of eviction if they complained about the condition of the property. Arredondo said Mangione also has threatened to call U.S. Immigration and Customs Enforcement on the largely Spanish-speaking community.

“We’ve always had problems with the tanks, the management, the owner, everyone,” Arredondo said. “I was the one who called the media and LULAC and the councilman out here. There are a lot of sewage and plumbing problems. The owner won’t fix the septic tanks, and they’re all overflowing into the yards.”

Reached by telephone late Wednesday, Mangione declined to be interviewed, saying his attorney would issue his statement on his behalf. He directed the San Antonio Express-News to call his attorney, though the newspaper could not locate the individual.

Officials said the city would use the courts to ensure the issues are addressed. The city has offered the 12 displaced families hotel rooms and other services to help them, officials said.

Nirenberg said he has met with the residents. Asked whether he believed the allegations, the councilman said he did.

“Yes, I do, based on the posturing of the owner and his unwillingness to communicate,” among other things — like the “sewage running under people’s homes.”

“I think we have a property owner who has a reckless disregard for the safety and well-being of his tenants, and seems to be intent on using taxpayer-funded resources to put himself in a position of profiting,” Nirenberg said.

The councilman said he believes Mangione is using the city's demands that he address the health violations as a reason to clear his property and prepare it for a commercial development.

"My understanding is that he has indicated no willingness to remediate a significant public health danger, the sewage on this property, and has said his property is more valuable if his residents are kicked off of it," Nirenberg said.



Retailers Navigate Shifting Environmental Regulatory Landscape

OCTOBER 19, 2016 | BY [TED WOLFF \(/AUTHOR-INFORMATION/623516\)](#), [MATTHEW WILLIAMSON \(/AUTHOR-INFORMATION/623517\)](#), [MATTHEW DOMBROSKI \(/AUTHOR-INFORMATION/623518\)](#)



The past decade has witnessed a monumental shift in regulatory oversight of retailers' environmental compliance programs. As a result, retailers have faced a crash course in the myriad hazardous waste control laws, once widely believed to not be relevant in the retail context.

Historically, most enforcement has been at the state and local level. But in just the past month, we've seen a flurry of retail-related activity from the U.S. Environmental Protection Agency, including the following:

1. A \$3.5 million settlement with Whole Foods Market related to allegations of improper hazardous waste handling;
2. The EPA's announcement of additional delays in the finalization of its proposed "Hazardous Waste Pharmaceuticals" rule; and
3. The announcement of EPA's new "Retail Strategy" with respect to hazardous waste regulations.

Whole Foods Settlement

On Sept. 20, 2016, EPA announced a settlement with Whole Foods arising from allegations the company improperly handled hazardous waste in Texas, Arkansas, Louisiana, New Mexico and Oklahoma. The settlement followed a year-long investigation initiated by the New Mexico Environment Department and subsequently referred to Region 6 EPA enforcement officials.

According to EPA, the federal investigation revealed that Whole Foods lacked a system to make hazardous waste determinations resulting in the improper disposal of hazardous waste, and improperly discarded spent lamps in violation of applicable universal waste rules. Statements from Whole Foods indicate that the products at issue included paint, fluorescent bulbs, household cleaners, bleach, beauty products, perfumes and nutritional supplements, among others.

To resolve these allegations, Whole Foods agreed to pay penalties of over \$3.5 million and to implement the following supplemental environmental projects:

- Develop standard operating procedures sufficient to ensure that Whole Foods is in compliance with all applicable hazardous waste laws and regulations;
- Retain a third-party consultant and implement an electronic hazardous waste identification system to assist with the identification and classification of Whole Foods' solid waste streams; and
- Promote hazardous waste compliance in the retail industry through the funding of a \$500,000 training program to educate Texas retailers on hazardous waste laws and the importance of maintaining an adequate hazardous waste compliance program.

Larger retailers have by now become accustomed to state-level enforcement of similar hazardous waste regulations, most notably in California where retailers have paid over \$160 million in penalties and fines to settle claims of improper hazardous waste handling. And while EPA has not shied away from more issue-specific retail enforcement (most notably its \$81.6 million settlement with Walmart in 2013 in connection with the company's alleged violations of the Clean Water Act, the Federal Insecticide, Fungicide, and Rodenticide Act, and the Resource Conservation and Recovery Act), we have not to-date seen EPA actively involved in these types of state-wide, broad investigations relating to the sufficiency of a retailer's hazardous waste compliance program. If this becomes a trend, retailers can expect to see increased scrutiny of their operations in areas of the country where retail enforcement has been less prevalent.

Rulemaking Update

Beginning in February 2014 with the Notice of Data Availability for the Retail Sector, and followed by the release last year of the proposed "Hazardous Waste Generator Improvements Rule" and "Management Standards for Hazardous Waste Pharmaceuticals Rule," EPA has committed significant resources towards and extensively engaged with retailers in an effort to address the retail compliance conundrum created by the application to the retail sector of environmental regulations developed with the industrial and manufacturing setting in mind.

Until recently, it was EPA's stated goal to finalize both the Generator and Pharmaceutical rules this year. However, EPA sources have now confirmed that due in large part to the extensive comments received in

response to the proposed Pharmaceutical Rule and the substantive nature of the issues raised by those comments, the final Pharmaceutical Rule will not be published until 2017, at the earliest. We understand that EPA still intends to publish a final Generator Rule in calendar-year 2016.

There are two important developments for retailers to be aware of as they prepare for the finalization of these two rules. First, EPA recently indicated that the soon-to-be-finalized Generator Rule has undergone a significant overhaul since release of the proposed rule in 2015. While critics of the proposed Generator Rule are obviously pleased, if not made a bit anxious, by this news, this information makes it very difficult for the retail sector to prepare in any meaningful way for the release of the final Generator Rule.

Second, the finalization of the Generator Rule, without finalization of the accompanying Pharmaceutical Rule, will likely create compliance headaches for retailers. Without the companion Pharmaceutical Rule, retailers may be left without a mechanism to avoid Large Quantity Generator (LQG) status and as such may, until publication of the final Pharmaceutical Rule, be forced to overhaul their hazardous waste compliance programs to comply with the onerous LQG requirements under the new Hazardous Waste Generator Rules.

Given the uncertainty surrounding the finalization of the Pharmaceutical Rule, any substantial period of time between finalization of the Generator and Pharmaceutical Rules is likely to create significant compliance challenges for the retail community.

EPA Retail Strategy

Finally, last month, EPA announced its new “Strategy for Addressing the Retail Sector under RCRA’s Regulatory Framework.” Building on EPA’s efforts in creating the new Generator and Pharmaceutical Rules, and the significant retailer engagement undertaken by EPA in development of the same, EPA has identified the following priorities in its efforts to rationalize the retail regulatory framework:

- Finalization of the new Generator and Pharmaceutical Rules;
- Issuing guidance on recycling aerosol cans;
- Expanding universal waste rules to include aerosol cans; and
- Issuing guidance regarding the proper use of reverse distribution by retailers.

While this retail strategy leaves many questions unanswered, EPA’s recent commitment to address the unique challenges faced by retailers attempting to comply with hazardous waste rules designed for the industrial and manufacturing sector preliminarily has been well received by the regulated community. Given the significant activity from EPA in recent weeks, we hope to have more answers in the coming months about how these challenges will finally be addressed.

Ted Wolff (<https://www.manatt.com/Ted-Wolff>), a partner in the New York office of Manatt, Phelps & Phillips, represents retail and other clients in environmental disputes and transactional matters. He can be reached at twolff@manatt.com (<mailto:twolff@manatt.com>).

Matthew Williamson (<https://www.manatt.com/Matthew-D-Williamson/>) is a partner in Manatt, Phelps & Phillips’ Orange County office. He regularly represents clients in environmental compliance matters, including retail clients facing enforcement actions related to their hazardous waste handling practices and implementing effective corporate hazardous waste compliance programs. He can be reached at mwilliamson@manatt.com (<mailto:mwilliamson@manatt.com>).

http://www.theadvocate.com/baton_rouge/news/politics/article_3aa05fe6-964c-11e6-aa27-3b01d0f36439.html

Republican lawmakers pan coastal lawsuits targeting oil and gas companies

BY TYLER BRIDGES | TBRIDGES@THEADVOCATE.COM OCT 19, 2016 - 5:34 PM



T. Taylor Townsend is a lawyer from Natchitoches

Tyler Bridges

Gov. John Bel Edwards' decision to pursue lawsuits against oil and gas companies to restore the eroding coast ran into a buzz saw of opposition from Republican lawmakers Tuesday during a special legislative hearing.

Nearly all of the Republican members on the House Committee on Natural Resources and the Environment sharply questioned the governor's attorneys handling the lawsuits during a hearing that lasted the entire day.

"I feel like we're discriminating against the oil industry," state Rep. Blake Miguez, R-Erath, said at one point, in a comment echoed by other Republicans.

Miguez and the other Republicans made statements and cited detailed statistics that parroted talking points from the state's powerful oil and gas industry.

State Rep. Pat Connick was the only legislator who challenged the industry and its political allies.

"The fact of the matter is that the oil and gas industry has a huge impact on the Legislature and the governor," said Connick, R-Marrero. "Look at the push back from this committee to find a way to resolve the problem...A lot of them make money in the oil and gas industry...They're going to protect their own self-interest."

Connick & Connick is one of the law firms representing Plaquemines and St. Bernard parishes in their lawsuits against oil and gas, but Pat Connick said he is not part of the firm.

The practical effect of the Republicans' criticism is not clear because the lawsuits are now a legal matter, but the Legislature will ultimately have to decide how much the state's outside attorneys receive if they win the case.

Donald Price, a special counsel at the Department of Natural Resources, said the governor's office has had to intervene in lawsuits filed by coastal parishes – five have now filed – to protect the state's interests.

Republican lawmakers questioned why the governor has said he will sue on behalf of coastal parishes that choose not to file on their own.

RELATED



In Louisiana's coastal litigation, real payday for attorneys may come from suits @ed by parishes

Matthew Block, the governor's executive counsel, responded by saying Edwards wants all the parishes to be involved in the legal case to further an effort to reach a settlement with oil and gas companies.

Industry officials have shown no interest, at least publicly, in discussing a possible settlement with the governor, his attorneys or the parishes.

"When you have an industry that continues to deny and ignore their responsibility even though they've violated the law, something has to be done," trial attorney John Carmouche told the committee in explaining why the five parishes that his law firm represents filed suit.

At issue are permits that companies had years ago with the Department of Natural Resources to drill and explore for oil and gas.

The governor's office – and Carmouche – contends that the oil companies violated the law by failing to fill canals they dug to carry out their work and by dumping "produced water" into the wetlands that eroded land. The governor's office, citing industry studies, believes that oil and gas caused anywhere from 38 to 70 percent of the destruction.

The industry and its supporters said much of the damage stems from state officials not doing their job.

"It's DNR's job to make sure they comply with the permit," Mark Poche, a member of the police jury in Vermilion Parish.

Vermilion is one of the five parishes that has filed suit, but the parish's district attorney filed it. The police jury afterward unanimously opposed, Poche said, in a sign of the heated debate the issue is prompting.

The Republican allies of oil and gas got members of the governor's team to acknowledge that DNR failed to require companies to restore the damage they caused years ago.

The Republican allies also questioned why the Edwards administration is suing only the companies when the Corps of Engineers (while building river levees), farmers, timber companies and even nutria have caused much of the damage.

“Why don’t we go all out and get everybody at the table?” asked state Rep. Jerome Zeringue, R-Houma.

After joking that the state couldn’t sue nutria, Thomas Harris, DNR’s secretary, had an answer for Zeringue.

“All we’re asking them is to pay for their share of coastal land loss,” Harris said. “We are not asking the industry to pay for anything they didn’t do.”

The Republicans also beat up on the governor’s attorneys for hiring outside law firms to handle the case.

Block said the outside attorneys – led by Taylor Townsend, a former state House member from Natchitoches who raised campaign money for Edwards last year – are trusted by the governor to represent the state’s interests.

Wilbur Stiles, the chief deputy to Attorney General Jeff Landry, said the contract is contingency-based, a view disputed by Block, the governor’s attorney. Landry has yet to say whether he will approve the contract.

A paradox hung over Wednesday’s legislative hearing. The parishes most at risk of slowly disappearing into the Gulf of Mexico – particularly Lafourche and Terrebonne – are the most vociferous opponents of suing the oil and gas companies, because their local economies depend on the industry.

Restoring the coast over the next 50 years could cost as much as \$100 billion. None of the Republicans – or even anyone else – has been able to explain how to pay for the full cost. Edwards has said that any money a successful lawsuit against oil and gas would go for rebuilding coastal wetlands.

FOLLOW TYLER BRIDGES ON TWITTER, @TEGBRIDGES.

You May Like

Sponsored Links by Taboola

Greater New Orleans

Meeting will clue anglers in on effects of planned diversions



Louisiana anglers interested in learning how much marsh will be available to watch sunrises over in the future can attend a meeting at Cabela's in Gonzales next week. (Photo by Todd Masson, NOLA.com | The Times Picayune) (Todd Masson)

By [Todd Masson, NOLA.com | The Times Picayune](#)

[Email the author](#) | [Follow on Twitter](#)

on October 20, 2016 at 6:12 AM



Sometime in the next decade, new sediment diversions will open on either side of the Mississippi River in Plaquemines Parish, and most anglers have lots of questions about how the diversions will work and what their impacts might be on local fisheries.

The Coastal Protection and Restoration Authority will attempt to answer those at a meeting hosted next week by three groups very interested in the effects of coastal restoration efforts — Ducks Unlimited, the Coastal Conservation Association and the Theodore Roosevelt Conservation Partnership.

Attendees will get more information about the current iteration of the Coastal Master Plan as well as potential draft plan projects. They will also learn about timetables, as well as resources for gathering more details as the projects move closer to fruition.

The event, which will take place Tuesday (Oct. 25) at the Cabela's in Gonzales, will kick off with food and drinks at 5:30 followed by a presentation at 6:15. Afterwards, the floor will be opened for officials to answer questions from attendees.

Chris Macaluso, marine fisheries director for the TRCP, said attendees will be heartened to learn what the state has planned for the near future.

"The continued loss of our coast threatens the things we love most — our fish, our ducks, our camps and the businesses and towns that support what we love to do," he said. "But we have an opportunity to slow down that loss and bring back some of what's been lost, and that starts with the projects that will be discussed at this meeting."

Louisiana's coastal master plan is updated every five years to ensure it considers the best available science and modeling. The CPRA is currently working on the 2017 release.

Todd Masson can be reached at tmasson@nola.com or 504.232.3054.

Follow [@TmassonFISH](#) Tweet to [@TmassonFISH](#)

Registration on or use of this site constitutes acceptance of our User Agreement and Privacy Policy

© 2016 NOLA Media Group. All rights reserved (About Us).

The material on this site may not be reproduced, distributed, transmitted, cached or otherwise used, except with the prior written permission of NOLA Media Group.

Community Rules apply to all content you upload or otherwise submit to this site.

[Ad Choices](#)

Remember Me ☒

Tribe offers pipeline protesters a place to overwinter

By Associated Press

Published: Wednesday, October 19th, 2016 at 9:08am

Updated: Wednesday, October 19th, 2016 at 2:14pm



FILE - In this Aug. 25, 2016 file photo, people protesting the construction of the Dakota Access oil pipeline gather at a campground near the Standing Rock Sioux Reservation in North Dakota. The Standing Rock Sioux's tribal council voted Tuesday, Oct. 18, 2016, to make tribal land available for those protesting the oil pipeline, though an organizer from another tribe says many likely won't move. Standing Rock chairman Dave Archambault II says the tribal council voted to use reservation land so that permanent structures can be built to protect protesters from winter weather. (AP Photo/James MacPherson, File)

BISMARCK, N.D. — The Standing Rock Sioux's tribal council has voted to make tribal land available for those protesting the Dakota Access oil pipeline, though an organizer from another tribe says many of the several hundred gathered will remain on federal land without a permit.

The council voted 8-5 Tuesday to use the reservation land — which is about two miles south of the large Oceti Sakowin, or Seven Council Fires, camp on U.S. Army Corps of Engineers property — so permanent structures can be built to protect protesters from North Dakota's notoriously brutal winter weather.

"The cold is coming and the snow is coming," tribal chairman Dave Archambault II said Wednesday. "It makes sense to be proactive and not reactive."

But the offer is too late, said Cody Hall, a protest organizer who is part of the Cheyenne River Sioux tribe in South Dakota.

"Some people might move but I don't think the majority of them will," Hall said of the camp's population, which averages 500 to 700 people, though it sometimes swells to well over a thousand at times. "The (Standing Rock) tribe sat on its heels too long and people started losing faith."

Archambault countered that it took time to identify an appropriate spot for a new encampment on the 2.3 million-acre reservation that straddles North Dakota and South Dakota.

The camp, which is the overflow from smaller private and permitted protest sites nearby, began growing in August and at one point was called the largest gathering of Native American tribes in a century. All were there to protest Dallas-based Energy Transfer Partners' \$3.8 billion pipeline, which tribal officials believe threatens sacred sites and the Missouri River, which is a source of water for millions.

Protesters do not have a federal permit to be on the corps' land, but the federal agency had said it wouldn't evict them due to free speech reasons. Authorities have criticized that decision, saying the site has been a launching point for protests at construction sites in the area; about 140 people who have been charged in recent weeks with interfering with such work.

Morton County Sheriff Kyle Kirchmeier said he supports moving the camp to the reservation because the protesters are currently trespassing on federal land.

"It is a good move and gesture ... by the council to make that decision to try to get those individuals back onto tribal land," he said.

In preparation for the winter, protesters have stockpiled mountains of firewood, winterized wall tents and set up traditional teepees and wigwams, Hall said, adding that his tribe will bear the costs of maintaining portable toilets, something the Standing Rock tribe has done in the past.

Corps spokeswoman Eileen Williamson said the agency supports the Standing Rock Sioux's decision to make tribal land available.

"We have been in communication with the chairman and he has expressed his concern for life, health and safety," she said. "If people chose not to move, they are there at their own risk."



October 19, 2016, 07:55 am

◀ 1445- 4† 548* 8 9 7* &994 7* +3* 78

By George J. Damiris



Getty Images

What happens when the best of intentions leads to flawed governmental regulations? In most cases, the answer is loss of jobs, higher costs for consumers and the failure of the regulation to meet its objectives. These unintended consequences should be expected if the U.S. Environmental Protection Agency (EPA) does not amend its Renewable Fuel Standard (RFS) mandate.

Under the RFS, petroleum refiners and importers of petroleum products are required to blend biofuels with their gasoline and diesel fuel, regardless of their ability to do so. Refiners that do not meet the minimum blending requirements must purchase Renewable Identification Number (RIN) credits to satisfy compliance with the EPA.

Unlike other credit systems overseen by the EPA – in which companies pay the EPA directly – RINs must be purchased on the open market or from other companies that blend biofuel. This significant loophole in the RFS has created an estimated \$20 billion unregulated market that provides windfall profits for Wall Street hedge funds, large integrated oil companies, and large retail gasoline station owners (retailers) while jeopardizing the future of independent refiners and small retailers.

As a result of speculation in this unregulated and thinly traded market, the cost of RINs has skyrocketed. Today, other than the cost of acquiring crude oil, RINs are now the largest expense for most independent refiners – exceeding labor, maintenance and even energy costs to run refineries. At HollyFrontier we expect to spend more on RIN credits than on payroll for our 2,700 employees this year. Combined, based on year-to-date expenditures, independent refiners are expected to pay at least \$1.8 billion purchasing RIN credits.

While independent refiners would of course prefer to increase blending rather than pay for RIN credits, the fact is we cannot due to the purchasing power of our customers. To bring product to market, independent refiners depend on common carrier pipelines that do not permit biofuels in the pipes. Moreover, the vast majority of blending occurs at common carrier third party pipeline terminals. HollyFrontier's customers – primarily large retailers – use their market power to blend at these locations, thereby generating RINs to sell into a captive market at a tremendous profit. These RINs were intended as a certificate of compliance, not as a trading instrument to create windfall profits for non-obligated parties who do not have to reinvest the profits in renewable fuel production or biofuel blending infrastructure. It is no surprise then that the integrated oil companies that have benefited from this rigged system are spending significant resources to ensure it does not change.

The unintended consequences of the RFS mandate are real. Today, independent refiners process more than 5.5 million barrels of crude oil daily and meet approximately one third of our nation's demand for motor fuel. Left uncorrected, the RINs loophole may put some independent refiners and small retailers out of business, resulting in job losses, lower supply and reduced competition that will ultimately drive higher prices at the pump for consumers.

This complex problem has a simple solution: change the point of obligation under the RFS. If the refiner is the also fuel blender, the refiner should remain the obligated party. But if the retailer wants to blend, the obligation should pass to the retailer. This action – which the EPA can accomplish unilaterally through rulemaking – would create a level playing field while still achieving the program's objectives. In fact, changing the point of obligation would also incentivize blending, thereby advancing the goals set forth by the RFS mandate. The resulting increase in the supply of RINs generated from increased blending would reduce the skyrocketing costs that threaten independent refineries, refinery workers, and consumers.

Refining is and always has been a fiercely competitive business, with dozens of suppliers across markets, imported production, high capital and operating costs, and margins that change with the winds. At HollyFrontier, we are not afraid to compete, so long as the rules of the game are fair. That is why we are calling on the EPA to shift the point of obligation and create a level playing field, to ensure that Wall Street

speculators and the largest oil companies in the world don't continue to reap windfall profits to the detriment of smaller businesses and ultimately, Americans at the gas pump.

George J. Damiris is the President and CEO of HollyFrontier Corp. based in Dallas.

The views expressed by authors are their own and not the views of The Hill.

The Hill 1625 K Street, NW Suite 900 Washington DC 20006 | 202-628-8500 tel | 202-628-8503 fax

The contents of this site are ©2016 Capitol Hill Publishing Corp., a subsidiary of News Communications, Inc.

Once-blighted Guthrie Green named to national list of Great Public Spaces

By Paighen Harkins Tulsa World | Posted: Thursday, October 20, 2016 12:00 am

Photo gallery: Guthrie Green in downtown Tulsa

Food trucks and the usual buzz of customers they attract surrounded Guthrie Green on Wednesday afternoon as the site was designated for this year's Great Public Spaces list by the American Planning Association.

Guthrie Green, at M.B. Brady Street and Martin Luther King Jr. Boulevard in the Brady Arts District, joined spots in Alaska, Indiana, Ohio and Pennsylvania in being named Great Public Spaces as part of the association's 2016 Great Places in America list.

The association also honored great American neighborhoods and streets.

The association chooses spaces based on nominations from association members and the public. It looks at the character, architecture, community planning at the space and its environmental practices, said Wendy Shabay, an American Planning Association board member.

Part of what piqued association members' interest in the Green — and what led to its eventual designation on their list — was its transformation from a “blighted industrial site” to the “urban green space” it is today, Shabay said.

Bob Fleischman, the Brady Arts District's business association president, alluded to that history in his speech at the event.

“When my partner and I first opened our spa and salon on Brady Street 11 years ago, this block was not the most attractive place during the day and actually rather ominous at night,” he said.

Now the Green, a tree-lined grassy space crisscrossed with sidewalks and a large stage as the focal point, is the center of that block and community, he said, and partly responsible for the success of the approximately 60 businesses in the district.

As far as its environmental practices, the Green is lit with LED lighting and has solar panels to reduce electricity consumption. It was also designed for landscaping to capture runoff water and clean it before it drains into storm sewers, Shabay said.

Events are planned there nearly every day, from movie screenings, to live music and group exercise classes.



Guthrie Green

Children play and adults relax Wednesday at Guthrie Green, which is one of five Great Public Spaces on the American Planning Association's annual Great Places in America list. CORY YOUNG/Tulsa World

The food trucks beckoned Colleen Thurston, 31, and Jamie Alsabrook, 30, to the Green for lunch on Wednesday. The trucks — including Meltdown Grilled Cheese, Lone Wolf Bahn Mi, Hoop's Philly Truck and Mr. Nice Guy's Tacos — lined the streets around the Green. Most consistently boasted a lunchtime line of around a half dozen people.

Neither Thurston nor Alsabrook knew the space was being honored, though both agreed it was worthy of the designation.

"Absolutely it's a great public space. We're so grateful, and we're so lucky to have this. What's important is that it's a family-friendly place," Thurston said. "You can see music, you can see movies, but then there's story time for the kids."

The George Kaiser Family Foundation bought the property in 2007, and after years of planning, the Green opened in 2012. The idea was for the space to serve as a community center that would bind people together, said Stanton Doyle, the foundation's senior program officer.

Victoria Bartlett, wife of Mayor Dewey Bartlett, kicked off the ceremony on Wednesday, reminiscing about the times she has seen her husband playing harmonica at the Green. She said the designation was a way to show the country what many Tulsans already realized about the space: It's great.

"We knew that, didn't we?" she asked. "Now we're telling the nation what a great place this is."